IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 14438 of 2004

Between:

Kasana Kameswara Rao S/o. Nageswara Rao

R/o. 15th Ward, Isukapalli, Repalle,
Guntur District.

..... PETITIONER

AND

1 The Supt of Police, Guntur, Guntur District.
2 The Deputy. Superintendent of Police, Bapatla, Guntur District.
3 The Station House Officer, Repalle, Guntur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction, more particularly one in the nature writ of mandamus to direct the respondents to discontinue the petitioner's name as a Rowdy sheeter i.e., Rowdy Sheet No.235 on the file of the 3rd respondent.

Counsel for the Petitioner:MR.K.RAMA KOTESWARA RAO

Counsel for the Respondent No.: GP FOR HOME

The Court made the following :

O R D E R:

The petitioner questions the action of the respondents in opening a Rowdy Sheet against him and continuing the same without any justification and in contrary to the standing order No.742 of the A.P. Police Code. It is stated that opening of the said Rowdy Sheet No.235, on the file of the Station House Officer, Repalle, Guntur District is illegal and in violation of Articles 14 and 21 of the Constitution of India. It is stated in the affidavit that no cases are pending against the petitioner.

Counter has been filed on behalf of the respondents stating that all the cases pending against the petitioner ended in acquittal, except the one in Petty Case 229-232/97 under Section 160 and 510 of the Indian Penal Code (for short 'the I.P.C.), the petitioner was convicted to pay a fine of Rs.110/- on 4.9.1997 vide S.T.C.No.198 of 1997 and the petitioner was bound over for keeping good behaviour for a period of six months in M.C.No.62 of 1998 dated 5.2.1998 for the offence under Section 107 of the Code of Criminal Procedure (for

short ‘the Cr.P.C.) and in M.C.No.7 of 1998 in Crime no. 155-158/98 dated 11.8.1998 for the offence under Section 110(e) of the Cr.P.C. It is stated that the petitioner was bound over to keep good behaviour for a period of six months in M.C.No.12 of 1999 dated 16.6.1999 for the offence under Section 110(e) Cr.P.C. Admittedly, the period of bound over was over long back and no cases are pending against him.

Therefore, it cannot be said that there are cases pending against him involving in public peace. When the Rowdy Sheet was opened against the petitioner on 5.11.1994 under Order 742 of A.P.Police Standing Orders, no cases are pending against the petitioner and now there are no cases pending and therefore, pending the Rowdy Sheet against the petitioner is illegal. On expiry of bound over period and after acquittal in all the cases, it cannot be said that the petitioner is habitual offender involved in the cases related to public peace when only one case ended in conviction to pay a fine of Rs.110/- on 4.9.1997 and there are no other cases pending against him and the period of bind over for keeping good behaviour is also elapsed. Therefore, I am of the opinion that continuation of Rowdy Sheet against the petitioner is illegal and contrary to the order No.742 of A.P. Police Standing Orders.

Accordingly, the Writ Petition is allowed, directing the respondents to discontinue the Rowdy Sheet against the petitioner. No Order as to costs.

V. ESWARAIAH, J

7th March 2005.

BCS

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Supt of Police, Guntur, Guntur District.
2. The Deputy. Superintendent of Police, Bapatla, Guntur District.
3. The Station House Officer, Repalle, Guntur District.
4. 2.CCs to G.P. for Home, High Court of A.P., Hyderabad. (OUT)
5. 2.C.D.Copies.
6. 1.CC to Mr. Rama Koteswara Rao, learned counsel for petitioner.